

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DONALD WAYNE THIELEMAN,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-08-167
	§	
NATHANIEL QUARTERMAN,	§	
	§	
Respondent.	§	

ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO GRANT
RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

On January 14, 2009, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 17) be granted; that the petition be dismissed with prejudice; that petitioner's request for an evidentiary hearing be denied; and that petitioner be denied a certificate of appealability. On February 19, 2009, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

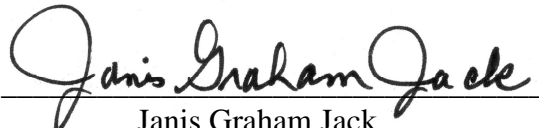
Accordingly, it is ORDERED as follows:

1) respondent's motion for summary judgment (D.E. 17) is granted and the petition is dismissed with prejudice;

- 2) petitioner's request for an evidentiary hearing is denied; and
- 3) petitioner is denied a certificate of appealability

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 9th day of March, 2009.



Janis Graham Jack
United States District Judge